

In re Application Binie V. Lipps et al
Serial No. 10/047,945
Filed: September 18, 2007

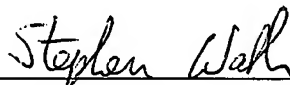
On September 18, 2007, Lipps filed a paper with the USPTO seeking withdrawal of the abandonment or revival due to unintentional abandonment. Lipps alleges therein that the application was prematurely abandoned because it filed a timely request for reconsideration under 37 C.F.R. § 41.52(a) of the Board decision dated December 21, 2006. Lipps argues that, under 37 C.F.R. § 1.304(a)(1), he has until September 30, 2007, to seek judicial review. Because a decision on the abandonment petition is unlikely to occur prior to September 30, 2007, Lipps filed the subject time extension request, seeking an extension of one month from a decision on its abandonment petition in which to file any action under § 1.304(a)(1).

The Director may extend the time for filing an appeal notice “[f]or good cause shown if requested in writing before the expiration of the period for filing an appeal or commencing a civil action.” 37 C.F.R. § 1.304(a)(3)(i). The facts above are sufficient to show good cause to grant the requested time extension.

ORDER

Upon consideration of the petition for an extension of time under 37 C.F.R. § 1.304(a)(3)(i), it is ORDERED that that petition is granted.

Lipps’ time for seeking judicial review under 37 C.F.R. § 1.304(a)(1) is extended one (1) calendar month from the date of a final decision on Lipps’ paper filed September 18, 2007 and styled “Request for Reconsideration and Withdrawal of Holding of Abandonment/Alternative Petition for Revival on an Unintentionally Abandoned Patent Application.”



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